

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26472

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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EDWARD T. ARAKAKI, and HELEN ARAKAKI, Plaintiffs-Appellants

vs.

KEITH A. MATSUOKA, HARRISON & MATSUOKA, PRESTON A. GIMA, WILLIAM  
A. HARRISON, LARRY LITTLE, PRUDENTIAL AMERICAN, AND THE  
PRUDENTIAL HALLMARK REALTY,  
Defendants-Appellees

and

DOES 1-10, Defendants

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 02-1-1352)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Duffy, JJ.  
and Intermediate Court of Appeals Judge Foley,  
in place of Acoba, J. recused)

Upon review of the record, it appears that Civil No. 02-1-1352 has not been finally resolved as to all defendants. The February 27, 2004 judgment in favor of defendant Little, the Honorable Gary W.B. Chang, presiding, does not identify the claims for which the judgment is entered and the judgment is not certified under HRCP 54(b). The June 25, 2003 order granting dismissal as to defendants Matsuoka, Harrison and Harrison & Matsuoka and the August 26, 2003 order granting dismissal as to defendant Gima have not been reduced to separate judgments certified under HRCP 54(b). See HRCP 54(b); HRCP 58; Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d

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1334, 1338-39 (1994) (Orders resolving claims in a circuit court civil case are not appealable unless the orders are reduced to a separate judgment. If the judgment resolves fewer than all claims in a multiple-claim or multiple party case, the judgment must identify the parties for and against whom the judgment is entered, identify the claims for which the judgment is entered, and contain the language necessary for certification under HRCP 54(b)). Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 2, 2004.